

REMARKS

Claims 1-31 are pending. Applicant respectfully requests reconsideration and allowance of the application.

Rejection under 35 U.S.C. 103 (Kram and Derfler)

Claims 1-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,314,531 to Kram (hereinafter "Kram") in view of "How Networks Work" by Derfler (hereinafter "Derfler") and prior art that the Office Action alleged as being admitted to by Applicant (hereinafter "AAPA"). Applicant respectfully submits that the claims are patentable over the cited references.

Kram describes a system for testing and debugging distributed software systems by using network emulation. In particular, the system described by Kram tests software by modifying MAC to IP mapping tables of the emulation host computers to emulate network latency, packet corruption, packet shuffling, packet loss and network congestion. (See Kram, FIG. 2 and col. 4, line 62 to col. 5, line 17). The Office Action acknowledges that in Kram, "the physical ports do not themselves fails". (See Office Action, paragraph 2). Nevertheless, the Office Action argues that the system described by Kram can create a connection failure. Thus, the Office Action seems to base the rejection on the fact that the subject matter claimed in the application is disclosed in Kram merely because the claimed system and the system in Kram can both generate some similar failure conditions. This basis is clearly a hindsight reconstruction that cannot be used for a rejection.

Particularly, neither Kram nor any of the cited references discloses or suggests the creation of failure of physical connections using network adapters, as stated in the claims. The testing conditions created by the emulator host computers in Kram with the MAC to IP mapping tables are plainly not failure of physical connections, but are merely

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emulated communication problems. Also, the testing conditions described by Kram are not created by network adapters. Thus, besides the fact that Kram describes a certain type of emulated communication testing, Kram fails to disclose or suggest the subject matter in any of the claims.

Conclusion

In view of the above amendment and remarks it is submitted that the claims are patentably distinct over the cited references and that all the rejections to the claims have been overcome. Reconsideration of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by the enclosed fee transmittal, please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: March 31, 2006

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